

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TERRI PAIGE RILEY

PLAINTIFF

V.

NO. 3:09CV674HTW-LRA

**BLUE CROSS & BLUE SHIELD OF MISSISSIPPI
and THE ELECTRIC POWER ASSOCIATION OF
MISSISSIPPI GROUP BENEFITS TRUST**

DEFENDANTS

**JOINT MOTION FOR ENTRY OF ORDER REGARDING
REDACTION OF ADMINISTRATIVE RECORD**

NOW COME Plaintiff and Defendants, by their respective counsel, and jointly move for entry of an order regarding redaction of the administrative record on the following grounds:

1.

This action is governed by the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.*, and, as such, the Defendants are to designate the administrative record forming the basis of the benefits determination from which the Plaintiff essentially appeals.

2.

Needless to say, the administrative record includes medical records of the Plaintiff which contain or arguably contain protected health information under the Health Insurance Portability and Accountability Act ("HIPAA"), yet, due to the nature of the Plaintiff's claims, it is necessary that this information be disseminated. As a corollary to that, the Plaintiff is in agreement that she has waived any objections to the dissemination of her protected health information contained within the administrative record. The parties have, furthermore, reached an agreement on the terms of an order memorializing this and are prepared to submit a proposed agreed order to the Court following the submission of this motion.

3.

Having said that, the parties recognize their still-existing obligation to redact personal identifying information contained within the administrative record pursuant to Rule 5.2 of the *Federal Rules of Civil Procedure*, and those redactions will be made.

WHEREFORE, PREMISES CONSIDERED, the parties pray for entry of an order regarding the redaction of the administrative record, which memorializes the Plaintiff's agreement that any and all objections to the dissemination of her protected health information have been waived and which authorizes the Defendants to designate and file complete, unredacted medical records and documents containing otherwise protected health information, provided that redactions of personal identifying information are made consistent with Rule 5.2 of the *Federal Rules of Civil Procedure*.

THIS, the 1st day of October, 2010.

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CERTIFICATE

I, hereby certify that on October 1, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered with the Court, and I hereby certify that I have mailed by United States Postal Service the document to the non-ECF participants. The following is a list of all counsel of record or parties regardless whether electronically notified by the Court or sent via United States Postal Service by this firm:

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